

SPEECH
OF
HON. GEORGE A. SIMMONS,
OF NEW YORK,
ON
GOVERNMENT ABUSES,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, AUGUST 11, 1856.



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GOVERNMENT ABUSES.

The committee resumed its session at seven o'clock, (Mr. EUSTIS in the chair,) the President's annual message, and the resolutions proposing to refer the same to the standing committees, being under consideration,

Mr. SIMMONS said: In the remarks I propose to submit to the committee, I design to deviate a little from the common track of subjects selected for discussion here. I think there is a great question underlying all these that we have been discussing, not only this session, but a great many sessions before. I am now nearly sixty-five years old, and can remember very well the first election of Mr. Jefferson, and of all the Administrations down. And were it not for the fact, that while we are drifting along, we are not sensible of the changes that take place, I should be astonished at comparing the present state of things with what used to be considered the true and correct policy in the years 1801-02—half a century ago.

I propose now to make a few remarks on the *abuses* of the Federal Government, and the *remedies* therefor.

It strikes me, sir, that the Federal Government, not simply this Congress or last Congress, but the whole Federal Government, for a long series of years, has been deviating from the track marked out originally by our fathers. Not that I would hinder the present generation from improving on the policy of former ones. I do not believe that one generation has a right to mark out exactly the lines for all their successors, but the most ordinary sagacity can see that a change has been taking place in the political and moral sense of the nation for many years past. We live not under two Governments, as people commonly imagine—National and State. We live under one Government with two branches—the Federal branch, and the local or State branch. The Federal branch was intended to regulate merely the relations of this country with foreign nations, and such inter-State matters as one State alone could not regulate without the consent of others.

Anybody who has read the debates in the

Federal Convention of 1789, will perceive that the first step taken was to pass two resolutions. The first was, that the Federal Government, or the Government of the United States, should be vested with all the requisite powers to regulate the foreign affairs—the relations between these States and other nations. The second was, that the Federal Government should regulate such internal affairs as concern more States than one. They instructed their committee to draft a Constitution accordingly. Any gentleman who will run over the enumerated powers of that instrument, will see that they had both these resolutions in their eye. You can hardly name one of the powers vested in Congress that is not designed either to regulate those things which individual States could not regulate, or to regulate our relations with foreign countries.

This, you see, sir, is but a small portion of the powers exercised by the British Parliament or the French Parliament. Our national Government was created with these very limited powers, and the vast powers of internal government were left to the States. It was expected by the framers of the Constitution that, if the national Government kept itself strictly within the sphere of its powers, Congress would only require to sit a few weeks and then adjourn, whereas now it sits nearly three fourths of a year at its first session, and one fourth at its second.

Most of the State Legislatures sit only from two to four months, to regulate all the various internal local interests of the country. These are constituent parts of the national Government, not other and distinct. They are like the pillars that support this Capitol—they uphold the Federal Government. They are present by their agents in the Senate, and by their people's Representatives in this House; and every act passed by Congress becomes a State law as well as a national one, because passed with the consent of all the States, as States, in the Senate, and by the consent of their people in the House of Representatives. Now, sir, how have these *two* branches of our Government, representing the same people,

operated in practice? Is the balance preserved, as originally intended, between the National and State governments? No, sir; the Federal power is swallowing up the States. The national branch of our Government receive all the revenues from duties on imports and the proceeds of the public lands. And money is power, sir. Money is power in proportion to its amount. The amount is annually increasing.

Sir, what is the amount of these revenues? Why, some seventy-five million dollars a year. When it was but thirteen or fourteen millions of dollars it was enough. When it was \$25,000,000 it was more than enough. When it is now \$75,000,000 it is all used up; for Governments, like individuals, live up to their income.

Yes, sir, you use it all up; and that income is worse than wasted, because it is used to corrupt the Government and corrupt the people. Every department grows greater as fast as this income grows larger. But two sessions since the salaries of the heads of departments were raised from \$6,000 a year to \$8,000; and at the last session the salaries of the judges of the Supreme Court to \$6,500; about two or three times as much as the salaries of the State judges get for doing more work, and bringing to the service full as much talent.

And that is not all. Having still more money in the Treasury, this Government sends out its expeditions to Japan, Amazon, Dead Sea, or wherever it pleases, for the purpose of creating offices and spending money. Why, sir, at the last session I find—and I am surprised, for I could not have been present when it was passed—an act was passed for the creation of a board to codify the laws of the District of Columbia—a board that, as far as present appearances are concerned, is to be perpetual—a work that would require about six months' labor for one or two attorneys. But the board has answered its design, I suppose; *offices were created*. Now, I ask gentlemen to reflect for a moment, and tell me where there was ever an omission to create an office, or to expend money, when any possible excuse could be found for it? None at all. And yet, sir, in the administration of John Quincy Adams, the fact that \$13,000,000 was spent in a single year was enough to break down that *Administration, on the ground of extravagance!* The next Administration, I believe, spent \$25,000,000; and so we have gone on, almost doubling the expenses with every new Administration, creating offices and raising salaries, until the cost and extravagance of the General Government has grown out of all proportion to the expenditures of the State governments. Why, sir, I suppose the President of the United States gets as much salary as one half of the aggregate salaries of all the Governors of the States. I am perfectly satisfied that the administration of justice in the State of New York, by the courts and officers of the United States judiciary, costs more money than the whole judiciary of the State. The marshals and other officers get such enormous salaries and fees for the business they do, that they actually go about the State getting up business to increase their per diem compensation. Whenever they can find any possible excuse for mak-

ing complaint for any violation of law, no matter how frivolous, witnesses are called, and costs are multiplied to enable these marshals and deputies to earn fees. You pay your marshal, you pay your grand jurors, you pay your witnesses, you pay everybody in the employ of this Government, more than they can earn in any other business, and you make business for them.

Again, sir, what is the use or necessity of the two great wings now going up to this Capitol? Why, sir, look at the committee-room now completed in the Capitol extension. It almost sickens one to see the extravagance with which it is fitted up—to look at the ceilings painted with all kinds of representations of Pagan mythology, which have no merit in them except that they cost a good deal of money. I want to know by what authority \$5,000 or \$10,000 are expended in fitting up a single committee-room? The imagery is behind that of the ancient Egyptians excavated from the ruins three thousand years old, for we find in them the zodiac and other emblems illustrating the seasons and other astronomical changes in the heavens. The Government of the United States contrives in various ways to get rid of its money. It has of late hit on a plan to succeed rapidly in what it seems to desire. Buildings for court-rooms, custom-houses, and post offices, at a cost each of fifty to one hundred thousand dollars, are being built in most of the large towns in every State, and that, too, within a stone's throw from buildings erected by the States, which might be used just as well. All have contributed their shares of money to fill up the Treasury; and there being no other way to obtain a division, every tax-payer and every locality is naturally very desirous to get its share back. My district obtained one of these buildings. The district of the gentleman from Virginia [Mr. SMITH] also obtained one at the same time, and, as long as the national Treasury is full, we all, Virginians as well as others, must come in for our share.

Then, sir, another method for depleting the Treasury is the book resolutions so much favored by Congress. When the publication of a book is ordered we must of necessity have a large number of copies; for if we send to one constituent we must to another. Yet the books ordered, if put up at sale, would not bring twenty-five cents on a dollar of the cost. Mr. Chairman, in this manner the Federal Government manages to use up all its income. When our income shall amount to \$150,000,000, instead of \$75,000,000, we shall use it all up as we do our present income. Now, sir, what makes this vast expenditure so censurable is, that we do not apply it to the right objects, and in just proportions to the people; not to the aid of internal improvements, nor to all parts of the country, old States and new ones, in just proportions, or on systematic principles. And yet the national Government disclaims the power to make internal improvements. With what jealousy does that Government look on a system of internal improvements? Appropriation bills for the purpose of internal improvements are vetoed. The power is denied as unconstitutional.

Now, look at the States, and think of their

scanty means. They have everything to do, and nothing to do it with. They uphold the administration of justice within their limits, found and maintain schools and colleges, construct highways and canals, and preserve a good police. Whence do they get their means? They have oft tax the people over again, after paying to the national Treasury \$75,000,000. The people are subjected to additional taxation for the purposes of the State governments and all those internal improvements. Now, sir, the natural fund to support all governments, national and local, Federal and State, is *duties on imports*. Enough is received yearly into the Federal Treasury to maintain both governments in a fair Jeffersonian way, and to construct all necessary, national improvements. But the General Government disclaims the power under the Constitution to make internal improvements, and throws it upon the States. The States cannot tax the people to such extent over again, and consequently have to run into debt, and repudiate, like Mississippi and Illinois, from necessity no doubt, or saddle themselves with mortgages like Pennsylvania, New York, and Virginia, perhaps never to be paid. Thus, one branch of our Government receives twice too much, and the other twice too little.

Talking of the waste of the public money, gentleman ask, why not take off all your tariff, and resort to direct taxation? Because, sir, the people will not submit to it. The national fund for the support of this Government, and all other Governments in the world for young nations, such as ours is, is *duties paid on imports*. We are in our infancy. We have not the necessary subdivision of labor nor the maturity of the arts to bear a repeal of all tariff laws in favor of foreign labor and capital. We do not intend to allow our arts and manufactures to be swamped by the inundation of foreign importations free of taxation. Why is this not the best policy, if the duties on imports are sufficient for both State and Federal Government? The money will be saved in the pockets of the people as well as if the duties were imposed and the people taxed directly.

But what shall we all come to at this rate, when it becomes necessary to sustain a great standing Army and Navy? We are now insulated from the great Powers of Europe. We have no Army and Navy. Our Army is not equal to a London police; and the President admits, that our Navy is not ten per centum of that of Russia; but it is large enough for us, because of our insulation and our means of rallying, when necessary, our militia and privateers. Mr. Jefferson was right. We can never keep up a great Army and Navy except at the hazard of losing our free institutions. We do keep up, however, an army of office-holders for doing very little service on very large salaries. We pay twice the price paid by the States for the same services; and the States themselves pay twice as much as individuals have to pay for the same.

Now, sir, if this extravagant expenditure of the Federal Government is a great and growing evil, what is our remedy? The idea of taking off all the duties upon imports, with a trifling exception, and then resorting to direct taxation to

carry on the Government, is a thing so alien to the common practice of the world, and the common sense of everybody but metaphysicians, that no man can think the people will consent to it. I remember some years ago gentlemen talked about abolishing the tariff, and resorting to direct taxation to support the Government. I believe a distinguished gentleman from South Carolina (Mr. Calhoun) used to advocate this doctrine; but is there one single man of business and practical habits in the country who has the least idea that such a scheme can ever be realized, at least in the present stage of our country's progress? *Not one.* The remedy we want is this. *We ought to divide the surplus revenue received from duties on imports, and from the sales of public lands, among the States.* I think it could be done by an act of Congress, so that one half the net proceeds should be paid over quarterly as fast as received, into the State Treasuries, according to their Federal representation. If we could get that scheme started, and get it well in motion, we should find a reform commenced immediately. It would be found impracticable to enlarge the number of officers to perform very little service. It would be found impracticable to enlarge salaries all the time from year to year. We should have economy reigning in our national Government, and in the mean time the people would be gradually relieved from direct taxes under the State governments, which have now to be paid to support these governments, and make internal improvements. —Now, whether this division of the proceeds of the revenue should be confined to times of peace, and leave it open in time of war, would be a question worthy of consideration. I think it should be made applicable only to times of peace, so that, if the General Government should find a necessity of having more revenue for unavoidable and necessary wars, they could take it. The effect of such a statute as that, if we could pass it—and we have a precedent for it in General Jackson's time—would be to put a stop to a world of evils which we now suffer. There is no place in the General Government but has got to be so important on account of the pecuniary advantages connected with it, that it helps to create an excitement of party spirit all over the country. This country is all divided into parties simply by means of this very corrupting influence of the Treasury. A celebrated nobleman in England, Lord Brougham, a member of the House of Lords, in the first volume of his Political Philosophy—which is in your Library—speaking of the effect of parties in the United States of America, says it is *the very extreme*. He says they are continued from one four years to another in a party squabble to see which party shall get possession of the Treasury under the presidential question; and that it must, sooner or later, if not corrected, prove the downfall of the Republic. I do not quote him, of course, as conclusive authority; but only to show that our example is exciting the attention of the world.

The course I have indicated would put a check to a good many evils. It would discourage many of these filibustering operations we hear about so often after more territory—more territory, sir.

One of the great difficulties which we have to combat now is the immense extent of territory we have at the West, and the tendency to dispersion of our population all over the western world. Instead of building *up*, we are building *out*, and appropriating vast sums of money and vast quantities of land in the West to the making of new States. Would it not be as well to think a little of our old homestead States, and see if something cannot be done for *them*? Our great thoroughfares, by railroad, from the East to the West, serve chiefly to empty our old States of their increasing population and wealth, from year to year, and scatter them through the western wilderness; and that, in turn, makes it necessary to grant more lands and moneys there for railroads and other improvements.

There is one doctrine of Scripture which the politics of this country seem to have adopted, if no other; and that is, the abandonment of selfishness; for it is very difficult to conceive of a nation which takes so little care of its homesteads—the old States—and is all the time looking to the new States—to Kansas and New Mexico, and every other place, for a new State in the wilderness—instead of leaving them to grow up by the natural onward course of events. So every candidate for the Presidency must get up a character for doing all he can to make new States. I have not time now to go further into this question, but I will state it more fully in my published remarks.

I wish now to speak of one or two other things. Only see what an effect this immense receipt into the Treasury of the United States has upon the Government itself! Why, sir, it is destroying the balance of power entirely between the United States and the States. The States are like so many paupers, always applying to this Government for something or other, drumming up dormant claims, and in various ways trying to draw something out of an overflowing Treasury. Instead of the States being on a perfect footing of equality and independence with the Government of the Union, they are seen with their hats under their arms, in attendance at Washington, playing second fiddle to this Government.

The connection of the national Government with the States is now a good deal like a partnership between thirty-one gentlemen, who should put their stuff into the concern, and go on swimmingly as a firm, making great profits, but refusing to make any dividends among themselves, and, in order to maintain their families, have to run into debt, and then cheat their butchers and bakers out of their bills, just as Illinois and Mississippi had to stop payment.

But there is another thing that shows up the aggrandizement of the Union at the expense of the States, and shows the growing ascendancy of the national Executive over the national Legislature; in other words, the tendency to *monarchy* in the Federal Government. It is this: everybody knows that the Governor of a State is simply the officer elected to execute the laws. He does not give force and character to the *policy* of the State. The Legislature of the State originates its policy, not the Executive. Some years ago

we had in the State of New York a Governor by the name of De Witt Clinton, who had considerable influence over the public measures of the State; and yet we never attributed to him, or his administration, the policy carried out under him. The canal policy was that of the people, or their representatives. It was expected to be so with the national Government by its framers; but how do we find it? So far from it, that it has now ceased to be a matter of much importance as to the qualifications of a candidate for Congress; but the great question is, whether he will support or oppose the Administration.

We have got now into that condition with our national Government where the balance of power is completely reversed, and where, instead of the Legislature being looked to as the supreme power to originate the policy and measures of the Government, as it was when it was first constituted, it is all now to be done by the Executive, and the Legislative has become, if not subservient, at least only secondary and auxiliary to the Executive. It is now-a-days considered to be very important to spend half the time in Congress making Buncombe speeches and electioneering for the Presidency. Montesquieu says somewhere, that whenever a Legislature of a country becomes subservient to the Executive, no matter what name the government goes by, it is a *monarchy*. And whenever the representatives of the people here, through the agency of party, become the mere subservient supporters of an Administration, then, it seems to me, we are on the rapid road to *monarchy*. I believe Montesquieu says further, somewhere, that the British Government is a republic under the disguise of a monarchy; and I am afraid that some other Montesquieu will very soon have to say that America is a monarchy under the disguise of a republic. This evil springs, sir, out of the immense *patronage* of the President.

Sir, what is the amount of this patronage? Not less than \$200,000,000 a year. What a tremendous corrupting influence that is! I am not censoring the present Administration for all this; because President Pierce did not begin it; his administration is only one link in the chain. We have been drifting for many years towards this state of things. The patronage of the national Government corrupts the press, and corrupts the people, corrupts the State governments, and corrupts the members of Congress. About two years ago, I saw an advertisement in the Union newspaper of this city, that no person who voted against a certain bill could expect his friends to be retained in any Department of the Government. A certain gentleman—a member of this House, with whom I was well acquainted, and who had expressed himself to me in strong terms against that bill, turned clear round within three days, and voted otherwise. And I knew all the time, that he had a relative in one of the Departments at a salary of \$1,400.

But, sir, here is another thing going to show that the executive branch of the Federal Government has drifted far away from its first moorings. I am not accusing any particular Administration or officer. I am not sure but this may have begun

under General Washington. It was, at all events, a great mistake. The Constitution requires that persons nominated for office by the President shall be confirmed by the consent of the Senate. The Constitution does not expressly say how they shall be removed; but does any gentleman doubt its spirit and meaning—that if we had now to form a new constitution, should we require appointments to be confirmed by the Senate, and yet give the President the power of *dismissal* without the consent of the Senate? Just see what that construction of the Constitution, allowing removals by the Executive alone, without the Senate, has lead us to. It is the *moving power* of party spirit, and the great object of party combinations.

The very fact, that the President has power to remove everybody from office without cause shown, is conclusive proof of his power to control political opinion through them and their friends. It is a power which leads to that violent party action which prevails everywhere in this country, and which has become so dangerous even to the Union itself. If we had adhered to the original, plain import of the Constitution, and the President had claimed only the power of suspending officers until a meeting of Congress, and then required the consent of the Senate for their removal, it would have taken from party machinery its moving power. It would then have been a difficult thing to remove any officer except for incompetency and dereliction of duty, and we should have been relieved from this continual change of office-holders every four years for party purposes. Whenever a new President is elected, everything is changed, because that is what the party fought for. *To the victors belong the spoils!*

But that is not all. The power of the President is not only increased by the enormous patronage which he exercises—and his patronage is as great, if not greater than that of any other one man living—but it is increased from another source; I will not call it *usurpation*, but a power of much greater magnitude than people generally imagine. I allude to the *message power*. The Constitution makes it the duty of the President to make a report or statement of the situation of the public affairs at the meeting of each session of Congress, and to recommend such measures as he may deem expedient. Well, sir, there is nothing extraordinary or unusual in that. The same thing is done by the heads of the Government in France, in England, and in other Governments; but in those countries the messages are required to be brief, and confined to a simple statement of facts, and brief suggestion of measures. Washington understood what was expected of him, as President, by the framers of the Constitution, and his messages were rarely more than short hints, brief statements, and brief suggestions.

But now this power is carried to such an extent, that the President and the heads of the several Departments, who sympathize with him, act together in getting up a message, and not only give a detailed account of the condition of the country, and specific announcement of measures, but an elaborate *argument* upon every point, parading a sort of party platform to be adopted. And what is the effect? The message goes to the country *unanswered*; and you cannot expect the people to keep their minds open and unbiased until they have an opportunity of reading the scattered replies from individual members of Congress many months afterwards. In the days of General Washington, the President's message was always accompanied by the *answer* of the two Houses. But, now, this wholesome practice is discontinued, and the message power has grown into a great party engine over the people as well as the Congress.

It seems to me that this power is too vast. It ought to be limited to a simple statement of facts, and the suggestion of measures, without argument or comment, and always to be *answered* by the two Houses.

The English people have always been exceedingly jealous of this message power; and for that reason the House of Commons would never allow the King to make a long, set speech, or do more than to present a simple statement of facts, and brief suggestion of measures. They would never allow *him*, by the aid of his ministers, to make an elaborate argument to go to the people *unanswered*. But in this country, the representatives of the people are become so subservient to the executive recommendations *unanswered*, that even in this House nothing can be carried, in the shape of an appropriation, until we ascertain whether it has been recommended by the Executive, or some of the Executive Departments.

There should certainly be a harmonious understanding between the Executive Departments and the Legislature; we want their knowledge of facts, and should always obtain it; we need, too, all the reports from the Departments accompanying the message; but those are enough. But the message itself should be short, and never go to the country *unanswered* by Congress, if we mean to preserve the power and influence of the Legislature, and save the country from sliding into a *monarchy*, or something worse.

But all this is trifling, compared to the patronage of the Executive. It is this that creates and perpetuates party power, corrupting everything it touches; corrupts the *press*, the *people*, the *Congress*, the *State Governments*, and prostrates the national Legislature at the feet of the national Executive. It corrupts the *morals* even of the people themselves, and perverts the moral sense of the nation.

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